



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 4244**  
Yoshihiko HIGUCHI et al. : Attorney Docket No. 2003\_1789  
Serial No. 08/959,125 : Group Art Unit 1743  
Filed October 28, 1997 : Examiner Lyle Alexander  
DRY MEASURING TEST DEVICE : **Mail Stop: RCE - Amendment**

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**PRELIMINARY RESPONSE FILED WITH RCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Advisory Action dated June 26, 2006 and in further response to the final Office Action of March 9, 2006, Applicants herein provide the following remarks.

An after final response was filed June 9, 2006.

A Request for Continued Examination (RCE), requesting entry of the amendments in the after final response, hereby accompanies this response.

As acknowledged on page 2 of the Advisory Action, the previous response contains a typographical error at lines 14-15 on page 5. The response should have indicated that Arai discloses polymer beads having a diameter of "0.1-1.2 microns" and not "0.1-0.2 microns."

Accordingly, it is again noted that Arai (EP 0162,302) fails to disclose or suggest a dry measuring test device having polymer beads with an average particle diameter from 3 to 15  $\mu\text{m}$ . Instead, Arai (EP 0162,302) discloses light reflective particles having a diameter of 0.1 to 1.2 microns. It is again respectfully submitted that the prior art polymer beads having a diameter of 0.1 to 1.2 microns fails to suggest polymer beads having an average particle diameter from 3 to 15  $\mu\text{m}$ . For this reason, Arai (EP 0162,302) fails to teach or suggest each and every element of

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the claimed invention, and therefore, the prior art rejection of claims 2-5 and 14-16 under 35 U.S.C. § 103(a) is untenable and should be withdrawn.

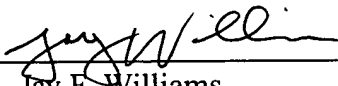
In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

Yoshihiko HIGUCHI et al.

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